THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.16017, 16018, 16519, 17963 and 18869 OF 2005

20.03.2006

Between:

Ch.Jagannadha Raju, S/o.Ramalinga Raju

And others

… Petitioners

AND

The Principal Secretary, Government of Andhra Pradesh,

Municipal Administration Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.16017, 16018, 16519, 17963 and 18869 OF 2005

COMMON ORDER:

In all these writ petitions, the petitioners who are statedly owners of various extents of lands situated in Shameerpet village and Mandal of Ranga Reddy District. The Project Director and Special Collector, Outer Ring Road Road (ORR, for brevity), issued notification under Section 4(1) of the Land Acquisition Act, 1894 (the Act, for brevity) proposing to acquire either entire extent or part of the lands owned by the petitioners for the purpose of formation of ORR. Assailing the same, these writ petitions are filed. Though the petitioners prayed for stay of all further proceedings, having regard to the fact that the enquiry under Section 5A of the Act was not dispensed with, the petitioners were given liberty to file all their objections.

It appears that subsequently the alignment of the ORR was revised and re-revised

on three occasions and, therefore, the Project Director (ORR) was compelled to issue as many revised notifications under Section 4(1) of the Act. When the cases were listed on 13.3.2006, the learned Special Counsel for Project Director submitted that cause of action for filing petitions does not survive. He also submitted that the petitioners' lands are not affected by construction of ORR in view of the re-alignment. The matters were adjourned to enable the Project Director (ORR) to file an affidavit to that effect. Today, the learned Special Counsel for Project Director (ORR), Sri P.Rajagopala Rao, has filed an affidavit sworn by the Project Director, which reads as under.

> I humbly submit that the petitioners herein filed the WPs questioning the Notifications dt.8.7.2005 for formation of the Outer Ring Road at Shameerpet village and Mandal, Ranga Reddy District. The petitioners herein have questioned the Notifications covering the lands at Shameerpet. The Hon'ble High Court by common order dt.30.9.2005 directed the Land Acquisition Officer to conduct 5-A enquiry after inspecting the prerevised alignment and revised alignment. Thereafter Government constituted an alignment committee vide G.O.Ms.No.87. The alignment committee after going through all the Records, recommended a proposal for re-alignment of the Outer Ring Road which was got approved by the HUDA Board. The Government also approved the revised alignment. **In the revised alignment the petitioners lands are not effected for the formation of Outer Ring Road. I humbly submit that a fresh 4(1) Notification is issued in ORR No.191 dt.13.12.2005 under section 4(1) of the L.A.Act, 1894 in Shameerpet village and Mandal, R.R.Dist notifying S.Nos.753, 754, 778, 779, 780, 820, 824, 827, 831, 834, 835, 838, 839, 840, 841, 927, 1015, 1017, 1018, 1020, 1021, 1022 and 1220. In the revised 4(1) Notification, the petitioners lands are not notified, and the lands claimed by the writ petitioners are not under process for acquisition under the L.A.Act 1894 as such no further orders are necessary in these writ petitions.**
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> (emphasis supplied)

A plain reading of the above, would show that the revised notification under Section 4(1) of the Act substituting the notification impugned in the writ petitions, does not include the lands of the petitioners, which were initially proposed to be acquired for ORR. Indeed as held by the Supreme Court in **State of Madhya Pradesh v Vishnu Prasad Sharma**, the notifications issued under Section 4(1) of the Act, which are impugned in the writ petition, became exhausted and are replaced by the revised notification. To the same effect is the decision of the Supreme Court in **Raghunath v State of Maharashtra**, wherein it was laid down that the issue of revised notifications would render the earlier notifications ineffective.

In view of the above, no further orders are necessary in these writ petitions, as the cause of action for the petitioners does not survive. The writ petitions are accordingly disposed of. There shall be no order as to costs.

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(**V.V.S.RAO,J**)

March 20, 2006.

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